

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Matthew Houston,

Plaintiff

v.

Jerry Howell, et al.,

Defendant

Case No.: 2:19-cv-01371-JAD-DJA

*Ninth Circuit Case No. 22-16439*

**Order Revoking  
*in forma pauperis* Status**

The United States Court of Appeals for the Ninth Circuit referred this matter back to this court for the limited purpose of determining whether *in forma pauperis* status should continue for this appeal. The decision to continue such status turns on whether the entirety of Houston’s appeal is frivolous, for “[i]f at least one issue or claim is found to be non-frivolous, leave to proceed in forma pauperis on appeal must be granted for the case as a whole.”<sup>1</sup>

In this civil-rights case, plaintiff Matthew Houston sued the Clark County Detention Center, Casa Grande Transitional Housing, and various Nevada Department of Corrections officials, appearing to allege that “he was denied mental-health court, maliciously prosecuted and wrongfully convicted, denied transitional housing at Casa Grande, held months past his parole-eligibility date, and was not accommodated under the Americans with Disabilities Act.”<sup>2</sup> On May 20, 2020, I screened his complaint under 28 U.S.C. § 1915A, found that he did not state a claim upon which relief could be granted, and gave him detailed instructions to amend his complaint.<sup>3</sup> Because Houston failed to file an amended complaint by the court’s deadline to do

<sup>1</sup> *Hooker v. Am. Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002).

<sup>2</sup> ECF No. 24 at 2–3.

<sup>3</sup> *Id.* at 3–13.

1 so, I dismissed his case on June 26, 2020.<sup>4</sup> More than two years later, Houston filed this appeal  
2 of my dismissal order.<sup>5</sup> **Because the appeal from the dismissal order is frivolous, patently**  
3 **untimely, and not taken in good faith, IT IS HEREBY ORDERED THAT the district court**  
4 **revokes *in forma pauperis* status so *in forma pauperis* status will not continue on appeal.**

5 The Clerk of Court is directed to **SEND a copy of this order to the Clerk of the United**  
6 **States Court of Appeals for the Ninth Circuit for Case No. 22-16439.**

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9 U.S. District Judge Jennifer A. Dorsey  
10 September 22, 2022  
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23 <sup>4</sup> ECF No. 25.

<sup>5</sup> ECF No. 31.